

FILED
BERNARD F. McARTHUR

NOV 14 2003

BANKRUPTCY COURT
by Bernard F. McArthur
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

IMPLEMENTATION OF JUDICIAL
CONFERENCE PRIVACY POLICY
REGARDING PUBLIC ACCESS TO
ELECTRONIC CASE FILES.

GENERAL ORDER NO. 2003-06-RBK

ORDER

At Butte in said District this 14th day of November, 2003.

To clarify the implementation of the Judicial Conference privacy policy regarding public access to electronic case files, the Court adopts the following guideline promulgated by the Administrative Office of the U.S. Courts. This guideline does not apply to the petition, schedules, statement of financial affairs, or other documents which are part of the Official Bankruptcy Forms, as these documents have been amended to comply with the Judicial Conference Privacy Policy.

IT IS ORDERED that the following guideline is adopted and provided to assist users of the electronic case filing system implemented in the U.S. Bankruptcy Court for the District of

Montana:

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents and pleadings filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure or the Official Bankruptcy Forms.

a. **Social Security numbers.** If an individual's social security number must be included in a pleading, only the last four digits of that number should be used.

b. **Names of minor children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used. On Schedule I of Official Bankruptcy Form 6, list relationship and age of the debtor's dependents (i.e., son, age 6).

c. **Dates of birth.** If an individual's date of birth must be included in a pleading, only the year should be used. On Schedule I of Official Bankruptcy Form 6, list the age of each of the debtor's dependents.

d. **Financial account numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used. On Schedules D, E, and F of Official Bankruptcy Form 6, debtors, if they so choose, may include their full account numbers to assist the trustee and creditors.

In compliance with the E-Government Act of 2002, a party wishing to file a document

containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The court may, however, still require the party to file a redacted copy for the public file. The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk will not review each document for compliance with this rule.

IT IS FURTHER ORDERED that the following notice issued by the Administrative Office of the U.S. Courts is adopted to further clarify the implementation of the privacy policy:

Model Notice of Electronic Availability of Case File Information

For CM/ECF Courts

The Office of the Clerk is now accepting electronically filed documents and pleadings and making the content of these pleadings available on the court's Internet website via WebPACER. Documents and pleadings filed on paper will be imaged, posted to WebPACER, and will be similarly available. Any subscriber to WebPACER will be able to read, download, store and print the full content of electronically filed documents. The clerk's office will not make electronically available documents that have been sealed or otherwise restricted by court order.

You should not include sensitive information in any document filed with the court unless such inclusion is required by the Federal Rules of Bankruptcy Procedure or Official Bankruptcy Forms or the inclusion is otherwise necessary and relevant to the case. You must remember that any personal information not otherwise protected will be made available over the Internet via WebPACER. If sensitive information must be included, the following personal data identifiers

must be partially redacted from the pleading, unless specifically required by statute, Federal Rule of Bankruptcy Procedure or Official Bankruptcy Form, whether it is filed traditionally or electronically: Social Security numbers, financial account numbers, dates of birth and the names of minor children. (*See Guideline for a Local Rule for United States Bankruptcy Courts Addressing Judicial Conference Privacy Policy Regarding Public Access to Electronic Case Files* set forth above.)

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers specified above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The court may, however, also require the party to file a redacted copy for the public file.

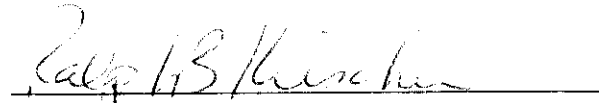
In addition, exercise caution when filing documents that contain the following:

- 1) any personal identifying number, such as driver's license number;
- 2) medical records, treatment and diagnosis;
- 3) employment history;
- 4) individual financial information; and
- 5) proprietary or trade secret information.

Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of certain materials may be made. If a redacted document is filed, it is the sole responsibility of counsel and the parties to be sure that all documents and pleadings comply with the rules of this court requiring redaction of personal data identifiers. (*See Proposed Guideline for a Local Rule for United States Bankruptcy Courts Addressing Judicial Conference Privacy Policy Regarding Public Access to Electronic Case Files* set forth above.) The clerk will

not review each pleading for redaction.

BY THE COURT

A handwritten signature in cursive script, appearing to read "Ralph B. Kirscher", is written over a horizontal line.

HON. RALPH B. KIRSCHER
U.S. Bankruptcy Judge
United States Bankruptcy Court
District of Montana